

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

KOREY MAURICE WESS,

Plaintiff,

v.

SCOT DUNN, et al.,

Defendants.

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No. 4:21-cv-01281-HEA

**OPINION, MEMORANDUM AND ORDER**

This matter comes before the Court on remand from the United States Court of Appeals for the Eighth Circuit for calculation and collection of the appellate filing fee. (Docket No. 105). Pursuant to 28 U.S.C. § 1915(b)(1), a prisoner bringing an appeal in forma pauperis is required to pay the full amount of the filing fee. If the prisoner has insufficient funds in his account to pay the entire filing fee, the Court must assess and, when funds exist, collect an initial partial filing fee of 20 percent of the greater of (1) the average monthly deposits in the prisoner's account, or (2) the average monthly balance in the prisoner's account for the prior six-month period. After payment of the initial partial filing fee, the prisoner is required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account. *See* 28 U.S.C. § 1915(b)(2). The agency having custody of the prisoner will forward these monthly payments to the Clerk of Court each time the amount in the prisoner's account exceeds \$10.00, until the appellate filing fee is fully paid. *Id.*

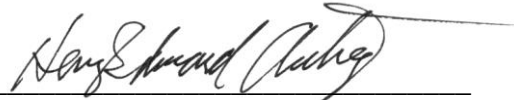
In this case, plaintiff has submitted his inmate account statement from the St. Louis County Justice Center. (Docket No. 102). The account statement shows an average monthly deposit of

\$40.83. The Court will therefore assess an initial partial filing fee of \$8.17, which is 20 percent of plaintiff's average monthly deposit.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff shall pay an initial partial filing fee of \$8.17 within thirty (30) days of the date of this order. Plaintiff is instructed to make his remittance payable to "Clerk, United States District Court," and to include upon it: (1) his name; (2) his prison registration number; (3) the case number; and (4) that the remittance is for the appeal of the instant action.

Dated this 31<sup>st</sup> day of July, 2023.

A handwritten signature in black ink, reading "Henry Edward Autrey", is written over a horizontal line.

HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE